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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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COUNSEL/PARTIES OF RECORD	
NOV 23 2011	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
DEPUTY	

MARLO THOMAS,

Plaintiffs,

vs.

E.K. McDANIEL, et al.,

Defendants.

3:11-cv-00664-LRH-VPC

SCREENING ORDER

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, filed
12 a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF NO. 4), which was screen by the Court
13 pursuant to 28 U.S.C. § 1915A. In the screening order, the Court indicated that plaintiff had received
14 a response to an informal grievance from both defendants McDaniel and Brooks related to a bias held
15 by Baker. *See* Screening Order, (ECF No. 3), p. 3, lines 18-20. Plaintiff now moves the Court to correct
16 these stated facts. (ECF No. 6), contending that the Court misinterpreted or misunderstood the
17 allegations of the Complaint.

18 Having reviewed the motion and the complaint, the Court agrees that the allegations may
19 have been misinterpreted as to McDaniel's participation in the informal grievance response. Therefore,
20 plaintiff's motion (ECF No. 6) shall be **granted**. The parties to this action shall be bound by the facts
21 as they are alleged in the Complaint. The Court's summary of those facts, if different from the facts as
22 alleged, shall be disregarded.

IT IS SO ORDERED.

DATED: November 22, 2011.

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Valerie R. Poole
UNITED STATES MAGISTRATE JUDGE

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 Plaintiffs,
7 vs.
8 , et al.,
9 Defendants.

3:00-CV-0000-____ (____)

REPORT OF THE OFFICE OF THE
ATTORNEY GENERAL RE:
RESULTS OF THE 90-DAY STAY

10 NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.
11 THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.

12 On _____ [the date of the issuance of the screening order], the Court issued its
13 screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that
14 certain specified claims in this case would proceed. The court ordered the Office of the Attorney
15 General of the State of Nevada to file a report ninety (90) days after the date of the entry of the court's
16 screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the
17 Office of the Attorney General hereby complies.

18 REPORT FORM

19 [Identify which of the following two situations (identified in bold type) describes the case, and follow
20 the instructions corresponding to the proper statement.]

21 **Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator
22 during the 90-day stay.** [If this statement is accurate, check ONE of the six statements below and fill
in any additional information as required, then proceed to the signature bloc.]

23 _____ A mediation session with a court-appointed mediator was held on _____
[enter date], and as of this date, the parties have reached a settlement (even if paperwork
24 to memorialize the settlement remains to be completed). (If this box is checked, the
25 parties are on notice that they must SEPARATELY file either a contemporaneous
stipulation of dismissal or a motion requesting that the court continue the stay in the
case until a specified date upon which they will file a stipulation of dismissal.)

26 _____ A mediation session with a court-appointed mediator was held on _____
[enter date], and as of this date, the parties have not reached a settlement. The Office of
27 the Attorney General therefore informs the court of its intent to proceed with this action.

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2 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
3 but the parties have nevertheless settled the case. *(If this box is checked, the parties are*
4 *on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal*
or a motion requesting that the court continue the stay in this case until a specified date
upon which they will file a stipulation of dismissal.)

5 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
6 but one is currently scheduled for _____ [enter date].

7 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
8 and as of this date, no date certain has been scheduled for such a session.

9 _____ None of the above five statements describes the status of this case. Contemporaneously
10 with the filing of this report, the Office of the Attorney General of the State of Nevada
11 is filing a separate document detailing the status of this case.

12 * * * * *

13 **Situation Two: Informal Settlement Discussions Case:** The case was NOT assigned to mediation
14 with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to
15 engage in informal settlement negotiations. [If this statement is accurate, check **ONE** of the four
16 statements below and fill in any additional information as required, then proceed to the signature bloc.]

17 _____ The parties engaged in settlement discussions and as of this date, the parties have reached
18 a settlement *(even if the paperwork to memorialize the settlement remains to be*
19 *completed). (If this box is checked, the parties are on notice that they must*
20 *SEPARATELY file either a contemporaneous stipulation of dismissal or a motion*
21 *requesting that the court continue the stay in this case until a specified date upon which*
22 *they will file a stipulation of dismissal.)*

23 _____ The parties engaged in settlement discussions and as of this date, the parties have not
24 reached a settlement. The Office of the Attorney General therefore informs the court of
25 its intent to proceed with this action.

26 _____ The parties have not engaged in settlement discussions and as of this date, the parties
27 have not reached a settlement. The Office of the Attorney General therefore informs the
28 Court of its intent to proceed with this action.

_____ None of the above three statements fully describes the status of this case.
Contemporaneously with the filing of this report, the Office of the Attorney General of
the State of Nevada is filing a separate document detailing the status of this case.

Submitted this _____ day of _____, _____ by:

Attorney Name: _____
Print

Signature

Address: _____

Phone: _____

Email: _____